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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald MAGER) Con.No.:N/A (previous 4818)
Serial No.: 09/611,221) Group Art Unit: 2621
Filed: July 6, 2000) Pet. Examiner: Brown, A.S.
For: ACTIVATING A VEHICLE'S OWN BRAKE LIGHTS AND/OR BRAKES WHEN
BRAKE LIGHTS ARE SENSED TO THE FRONT OF THE VEHICLE, INCLUDING
RESPONSIVELY TO THE PROXIMITY OF, AND/OR RATE OF CLOSURE WITH, A
FORWARD VEHICLE)
Atty's Docket No.: MAG 0002P)

San Diego, California
January 18, 2007

RENEWED PETITION UNDER 37 C.F.R. §1.181

Attn: Alesia M. Brown. Petitions Attorney
Mail Stop Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madame:

Timely in response to the DECISION ON PETITION mailed
December 4, 2006, please consider the present **RENEWED PETITION
UNDER 37 C.F.R. §1.181** and consider the following remarks as
regard the above-identified patent application:

REMARKS

The negative decision on Petition is respectfully traversed. The decision (1) makes one error of fact. It is made by (2) using what appear to be standard PTO guidelines for the showing of a docketing system. These guidelines presume ONE TYPE OF DOCKETING SYSTEM that, although (1) widely used, (2) well known to Applicant, and, indeed (3) used by Applicant in some of his positions in decades past, is NOT precisely the legally sufficient and well-proven docketing system sued by Applicant's undersigned representative in his practice of patent law since at least 1991.

1. The Fact is that a document WAS sent on May 8, 2006, WAS captured by Applicant's docketing system, and WAS timely responded to is ignored.

As explained in his previous Petition, Applicant (acting through his undersigned representative) received as mailed from the PTO on May 8, 2006, ONLY a NOTICE REGARDING DRAWINGS. Indeed, in telephonic communication between client applicant and his undersigned attorney it was remarked upon as to what receipt of this NOTICE without more meant, if anything, regarding prospects for early issuance of this long-pending application> It was decided and agrees that all that could then be reasonably done was to respond to the NOTICE by submission of corrected drawings, which was timely performed on July 7, 2006.

Now the PTO alleges to have sent a NOTICE OF ALLOWANCE AND ISSUE FEE DUE mailed on the same May 8, 2006, date. Applicant's undersigned representative did NOT receive such NOTICE IOF ALLOWANCE, whether in the same envelope as the NOTICE REGARDING

DRAWINGS or otherwise. SHOULD Applicant's undersigned representative have received any such NOTICE OF ALLOWANCE then it would have immediately provoked communication with the client applicant, who has long been disgruntled with lack of progress on this his application (and is not made less so by the present goings-on).

2. Docketing of PTO Communications

As explained at page 3 of Applicant's previous PETITION, Applicant's undersigned representative HAS for more than a decade used a docketing system that is both time-proven and well-proven -- thank you -- but that does NOT match the precise questions, or "canned" inquiries, of the PTO. These inquiries are likely being made by the Petitions Examiner who asks for a "copy of the DOCKET record".

Applicant's undersigned representative uses the same PHYSICAL docketing system that was in use at least circa 1980-1987 within the Defense Products Division (5K professional technical employees, 40+ patents per annum) of the then Sperry Univac Corporation) (now UNISYS) located in St. Paul Minnesota.

As previously explained, when ANY PTO communication is received then it is immediately physically associated with the appropriate docket file, being bound to the face thereof. This immediately alleviates any future problem(s) of "unlocatable" patent application files at the last minute, and when a response to the PTO is due.

Of course, merely affixing the PTO communication to the proper file does nothing to schedule a timely response thereto. This is where Applicant's docketing system becomes PHYSICAL. The file of the application, having been removed from general files and with the PTO communication now prominently on its face, is chronologically placed -- based on the FIRST date of requested/demanded response to the PTO -- in a SINGLE MASTER QUE

of ALL applications (and associated PTO actions and communications) then pending responses. What otherwise corresponds to a ``docket sheet'' in other docketing systems is thus PHYSICAL in the system of Applicant's undersigned representative. The docket IS the collective application files each at its proper chronological place within the queue!

This works great. An attorney can immediately not only see the numbers of all responses due in an upcoming period (a day, or a week, or a month) by looking at the queue, but access to the PTO Office Actions (AND the files!) is immediate as they sit right before him/her within the queue. It is very simple to gauge and to plan workload, When and if any response date is to be extended, then the complete file, with its yet un-answered action attached, is simply moved forward in the queue to a later date.

With this system all files are always (1) dormant in the file stacks, (2) in the queue, or (3) at an attorney's desk. Nothing ever gets lost. The time of response(s) to everything is always immediately recognizable.

But there is NO ``docket sheet'', per se. IF the Petitions Examiner understands the system, then she will recognize that the PHYSICAL docket QUE - the line of files chronologically ordered in the queue -- IS itself the ``docket sheet''!

Luckily there IS something that can be provided the Petitions Examiner that can meet the requirement of ``a record where the non-received Office communication would have been entered had it been received....'' This is the cover sheet to the application file. (At times past a similar sheet was printed to the covers of custom folders for the law firm of Applicant's undersigned representative, but these custom-printed folders have proven (1) too expensive and (2) wasteful when information changed, so for 10+ years Applicant's undersigned representative uses simple paper forms attached to the face of commercial

folders.)

A true copy of the cover sheet for the subject application file is attached and, while showing receipt of the NOTICE REGARDING DRAWINGS, shows NO receipt of any NOTICE OF ALLOWANCE putatively mailed from the PTO on the same day.

Applicant's undersigned registered attorney representative so certifies under penalty of patent invalidity should things be otherwise.

Applicant's undersigned representative would probably be well advised to stop here, but, in the interest of absolute candor, the Petitions Examiner should understand that what she is looking in the attached sheet may, or may not, be exactly what her guidelines surmise. The issue is what, exactly, IS a ``docket'' sheet?

The sheet she has to hand could certainly so serve, if only but for the one application with which it is associated. However, it is probably contemplated by the PTO guidelines that the docket, or docket sheets, or docket ledger, should be CENTRALLY LOCATED, with all dockets comingled. Here, in Applicant's system, this sheet comes off, and is normally co-located with, the actual FILE of the application. Is it a ``docket sheet'', whatever that term means? For purposes of the present Petition, does it matter?

However, the sheet shows what it shows, which is advanced to be, in the matter of the present renewed Petition, all that the Petitions Examiner should need to know, and to have shown.

Applicant's undersigned attorney is at the Petitions Examiner's disposal should the Petitions Examiner not understand the docketing system of Applicant's undersigned representative, and why this system - nonetheless to apparently not being the precise one contemplated by the PTO - is equally OR MORE rigorous, and suffices to serve at least a small patent law office quite well.



Sincerely yours,

William C. Fuess

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[X] Attorney of Record
[] Filed Under 37 CFR §1.34(a)

CERTIFICATION UNDER 37 CFR 1.10

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I hereby certify that this RENEWED PETITION and the documents referred to as attached therein are being deposited with the United States Postal Service as first class mail, postage prepaid, addressed to mail stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date written below.

January 18, 2007
Date

William C. Fuess
Typed Name of Person
Mailing Correspondence

William C. Fuess
Signature of Person Mailing
Correspondence



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INVENTORS (1) Don Mager

(2) _____

(3) _____

TITLE: ACTIVATION OF A VEHICLE'S OWN BRAKE LIGHTS AND/OR BRAKES WHEN BRAKE LIGHTS ARE SE4NSE TO THE FRONT OF A VEHICLE, INCLUDING RESPONSIVELY TO THE PROXIMITY OF, AND/OR RATE OF CLOSURE WITH, A FORWARD VEHICLE

SERIAL NUMBER: 09/611,221

FILED: July 6, 2000

ASSIGNEE: _____

ASSIGNMENT RECORDED DATE: _____ REEL: _____ FRAME: _____

OFFICE ACTIONS

filing receipt 05/24/00
 OIA 4/14/04
 2nd Freq OIA 01/03/05
 Advisory Action 05/06/05 ^{still} rejected
 1st OIA to Continuation 01/23/05
 Notice Regarding Drawings 05/08/06
 NOIA 08/17/06

(Check continuation sheets)

RESPONSES/AMENDMENTS

filed 07/06/00 (w/drawings informal)
 n/a
 Amendment 07/14/04
 116 Amendment on 01/04/05
 Continuation (per Mager) 07/05/05
 Response (Amendment to Con) 12/28/05
 Submission Formal Drawings 07/07/06
 Petition re: NOIA 08/09/06 over

(Check continuation sheets)

PATENT NO. _____

ISSUE DATE: _____

Nelson & Peltier 12/04/06